

Minutes
Annual Town Meeting
May 7, 2012

The Annual Town Meeting of the electors and citizens qualified to vote in Town Meetings of the Town of Lebanon, Connecticut, was held on Monday, May 7, 2012 at 7:30 P.M. in the Lyman Memorial High School Auditorium, 917 Exeter Road (Route 207) Lebanon, Connecticut. Audience: 132

First Selectman Joyce R. Okonuk called the meeting to order at 7:35 PM.

The meeting was opened with the Pledge of Allegiance.

First Selectman Okonuk then called for nominations for moderator.

Moved by Robert Slate, seconded by Jan Van Woerkom to nominate Edward Tollmann as moderator. Vote called - motion passed.

Moved by Jan Van Woerkom, seconded by Robert Slate to wave the reading of the warning of the meeting. Vote called - motion passed

Moved by Jan Van Woerkom, seconded by Melissa Hofmann to bring item 1 to the floor. *“Consider and act upon the proposed 2012–13 Fiscal Year budget for the Town of Lebanon in the amount of twenty two million nine hundred sixteen thousand two hundred dollars and no cents (\$22,916,200.00) for the General Town Government, Board of Education, and Special Revenue Funds, with Revenue Estimates of seven million seventy thousand fifty one dollars and no cents (\$7,070,051.00) and the remainder to be raised by taxes with an estimated mil rate of 23.8 mils, representing a 4.4% increase in the amount to be raised by taxes, and to adjourn said item to Referendum, unless such date and times are altered by the Town Meeting, on Tuesday, May15, 2012 between the hours of 6:00 A.M. and 8:00 P.M. Electors and persons qualified to vote in Town Meetings who are not electors, shall vote at the Fire Safety Complex, 23 Goshen Hill Road, Lebanon, Connecticut.”*

Liz Charron, Chairman of the Board of Finance, explained the proposed 2012-13 Fiscal Year Budget.

(a copy of the proposed FY 2012-13 budget follows these minutes)

Moved by Robert Slate, seconded by Chuck Haralson to adjourn Item 1 to Referendum. Vote called – item 1 passed

Moved by Jan Van Woerkom, seconded by Joan Goba to bring item 2 to the floor. *“Consider and act upon, if Item #1 is approved at Referendum, a Capital Reserve and Annual Capital Expense appropriation of up to one million twenty nine thousand four hundred forty two dollars and no cents (\$1,029,442.00) of which up to two hundred fifty six thousand five hundred fifty three dollars and no cents (\$256,553.00) is to come from available unallocated or reallocated funds and the remainder to come from the 2012–13 Fiscal Year budget appropriation.”*

Moved by Jan Van Woerkom, seconded by Jason Huling to call the question. Vote called – item 2 passed

Moved by Jan Van Woerkom, seconded by Jason Huling to bring item 3 to the floor. *“Consider and act upon approving the 2012-13 Fiscal Year Capital Improvement Program (CIP) as proposed by the Board of Selectmen.”*

First Selectman Joyce Okonuk explained the line items as listed in the proposed FY 2012-13 Local Capital Improvement Program (CIP), as proposed by the Board of Selectmen. Okonuk further noted that in order to apply for grants under the State of Connecticut CIP, the municipality must have a program approved at the annual town meeting in place.

(A copy of the proposed FY 2012-13 CIP follows these minutes)

Moderator Tollmann called the question: Vote called – item 3 passed

Moved by Jan Van Woerkom, seconded by Melissa Hofmann to bring item 4 to the floor. *“Consider and act upon a Proposed Ordinance Providing for the Publication of Summary of a Proposed Ordinance.”*

First Selectman Joyce Okonuk spoke to the question as follows. When an ordinance is passed, it must be published in a newspaper in its entirety, which is a large expense to the town. State Statute 7.157 allows for a summary of an ordinance to be published along with the statement that it can be viewed in its entirety in the Town Clerk’s Office.

(A copy of the proposed Ordinance follows these minutes)

Moderator Tollmann called the question: Vote called – item 4 passed

Moved by Jan Van Woerkom, seconded by Diane Malozzi to bring item 5 to the floor. *“Consider and act upon a proposal to discontinue it its entirety Industrial Park Road as a town road or highway, and to authorize the First Selectman to convey such interest as the Town may have in Industrial Park Road to the Hyponex Corporation.”*

Town Planner Philip Chester spoke to the question as follows. In 1982 William Klein subdivided his industrially-zoned land on Route 207 at the Franklin town line. That subdivision included 7 lots and a 1,400-foot-long road named Industrial Park Road. The PZC approved the subdivision in February 1982. In December of 82, Mr. Klein sold the rear and largest lot in the subdivision to Earthgro, who owned the property until Hyponex, also known as The Scotts Company, purchased it in 2006. Town Meeting voted to accept Industrial Park Road into its highway system in February 1990 or 8 years after the PZC approved the subdivision AND 8 years after Mr. Klein had sold the rear lot to Earthgro. The Town has maintained the Road ever since. Unfortunately what Town Meeting did not know in 1990 was that the only remaining land owned by Mr. Klein to be deeded to the Town by then was a portion of the cul-de-sac, as the roadbed had been deeded to Earthgro 8 years prior. In 2010 Hyponex purchased the remaining lots on Industrial Park Road from Mr. Klein and from then on owns all land on Industrial Park Road with the exception of a 2 acre corner lot at Route 207 owned by Marquis Enterprises. In 2011, Hyponex received approvals from the PZC to construct a 100,000 SF warehouse and has developed the remaining parcels on Industrial Park Road. At that time the Town approached Hyponex with the idea of divesting the road so Hyponex would be responsible for all future maintenance, including snow removal, as the road was clearly now essentially a driveway for the Hyponex complex. Hyponex agreed and conducted a title search of the road in December 2011. It was at that time that they notified the Town that they in fact owned the road with the exception of the cul-de-sac – not the Town. Town Meeting is now being asked to clear-up any ambiguity in a 1990 Town Meeting road acceptance action and to discontinue the portion of Industrial Park Road owned by the Town so that this road will rightly convert to a driveway to be owned and maintained by Hyponex. The Planning and Zoning Commission issued a favorable report to Town Meeting on this action.

Moderator Tollmann called the question: Vote called – item 5 passed

Moved by Jan Van Woerkom, seconded by Jason Huling to bring Item 6 to the floor. *“Consider and act upon the purchase of the Lewis Kaplan property on Synagogue Road in amount of (two hundred twenty five thousand dollars and no cents) \$225,000.00 for the purpose of a future cemetery site and passive open space along the Ten Mile River.”*

Town Planner Philip Chester spoke to the question as follows. The Kaplan property contains 47.1 acres and is made up of f lots on Synagogue Road at the Columbia town line. The property contains four approved building lots which together with one-acre of the 37-acre open space parcel makes up an 11.1-acre corn field. The property runs along the Ten Mile River for a half mile and abuts a 6.6-acre open space parcel owned by Joshua’s Trust and a 3.7-acre landlocked town-owned parcel along the River’s edge. The property also runs along the Airline Trail for close to half mile. The four lots will be used as the future cemetery. The remaining land will remain passive open space with a trail spur from the Airline Trail along the River to existing Town and Joshua’s Trust Land. About 10 years ago

the Cemetery Commission identified a need to develop an additional 5-7 acres of cemetery space. Over 20 sites have been looked at in addition to town-owned land. As part of the process soil tests were conducted-some of which were determined to be too wet for cemetery use, others the Town was unable to reach an agreement with the property owners. The Tax Collector initiated a tax sale on the Kaplan property. When Mr. Kaplan put his land up for sale, the Cemetery Commission visited the property, had soil test conducted and unanimously recommended to the Selectmen that they enter into negotiations to purchase the 11.1-acre property. The Conservation Commission also visited the property and concluded that the 37-acre open space was worthy of acquisition for passive recreation use. The Commission unanimously recommended to the Selectmen that the property be acquired. Based on these recommendations, the Selectmen authorized the First Selectman to enter into negotiations to purchase the Kaplan property. A purchase price of \$225,000 was agreed upon. At the time of closing Mr. Kaplan will be required to pay the Town past taxes of about \$19,000. Howard Wayland, Chairman of the Cemetery Commission, stated that as there are only 13 remaining plots in the New Cemetery it is most important that new cemetery land be purchased. Marc Lang, Chairman of the Conservation Commission, and James Jahoda, Chairman of the Planning and Zoning Commission, stated that their Commissions have given full approval for the purchase of the Kaplan property. Liz Charron, Chairman of the Board of Finance, stated that \$80,000 from Cemetery funds, \$10,000 from Open Space funds and \$135,000 from Fund Balance funds would be used to purchase the property. First Selectman Joyce Okonuk stated that the property will continue to be farmed until the Cemetery Commission presents a cemetery plan.

Moderator Tollmann called the question: Vote called – item 6 passed

“Consider any other business proper to come before said meeting.”

A property owner on Red Cedar Lake requested that seasonal properties be changed to year- round.

Moved by Jan Van Woerkom, seconded by Tim Slate to adjourn at 9:25 PM.
Vote called – motion passed

Respectfully submitted,

Susan C. Coutu
Town Clerk